

Docket No. F-8417



JCO6 Rec'd PCT 26 SEP 2005

PCT
#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shengyang HUANG, et al.
Serial No. : 10/511,236
Filed :
For : CONVERSATION CONTROL SYSTEM AND
CONVERSATION CONTROL METHOD
Group Art Unit :
Examiner :
Confirmation No. :
Customer No. : 000028107

RECEIVED

9 DEC 2005

Legal Staff
International Division

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450

on September 22, 2005.

Ricardo Unikel
(Name)

Ricardo Unikel
(Signature)

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.47(a)

Sir:

Applicants submit, under 37 C.F.R. § 1.181, this Petition under 37 C.F.R.

§ 1.47(a) in the above-mentioned application. Applicants respectfully petition that the Commissioner:

09/29/2005 SFREY1 00000142 10511236

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F8417 Pet 1-47(a) (PC22).wpd

(1) accept an application for patent for which a Declaration signed by all named co-inventors is unavailable because one of said co-inventors cannot be reached; and

(2) accept as sufficient to meet the requirements for a declaration for patent application, pursuant to the provisions of 35 U.S.C. 118 and/or 37 C.F.R. §1.47(a), the following:

(a.) a Declaration signed three of the four named joint co-inventors, wherein the nonsigning inventor cannot be reached.;

(b.) a Declaration of Shin Nomura in Support of Petition Under 37 C.F.R. § 1.47(a) stating that the non-signing co-inventor cannot be reached; and

(c.) the fee set forth in 37 C.F.R. § 1.17(g).

The underlying facts are as follows:

(A.) Dong Li is a joint inventor of U.S. Patent Application No. 10/511,236 along with Shengyang Huang, Hiroshi Katukura, and Tao Wu.

(B.) The present U.S. National Stage application was filed on October 12, 2004 without a Declaration and Power of Attorney from the joint co-inventor applicants, and has been accorded Application Serial No. 10/511,236.

(C.) The Combined Declaration and Power of Attorney was executed by Shengyang Huang, Hiroshi Katukura, and Tao Wu. It is being mailed today under separate cover in response to a Notification of Missing Requirements Under 35

U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US). A copy of the Combined Declaration and Power of Attorney is appended hereto. .

(D.) Dong Li, the nonsigning inventor, cannot be reached, his last known address being:

Daini-Corpo-Onda 205
47, Nishi-Mabashi-Kuramoto-cho,
Matsudo-shi, Chiba-ken, Japan

(E.) As explained in the attached Declaration of Shin Nomura in Support of Petition Under 37 C.F.R. § 1.47(a), a cover letter with the application documents (including specification, claims, and drawings) and instructions to sign a therewith enclosed declaration for U.S. Patent Application No. 10/511,236 was sent to Dong Li by certified mail on July 8, 2005 to Dong Li's last known address. However, the Post Office issued a notice that it was unable to deliver the documents to Dong Li at his last known address because Dong Li has moved from his last known address and did not leave a forwarding address.

37 C.F.R. §1.47(a) states that when a joint inventor cannot be found, that the application may be made by the other inventor and the nonsigning inventor and requires that the oath or declaration be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(g), and the last known address of the non-signing inventor. Please find the oath or declaration attached herewith. Please also find attached a Declaration of Shin Nomura in Support of Petition

Under 37 C.F.R. § 1.47(a) which includes proof of the pertinent facts, provides the last known address of the non-signing inventor, and which demonstrates that the nonsigning inventor cannot be found or reached after diligent effort. Finally, the fee set forth in § 1.17(g) is being paid by the Credit Card Payment form provided herewith. Thus, all the requirements of 37 C.F.R. § 1.47(a) have been met and Applicants therefore respectfully petition that the Commissioner accept an application for patent for which a Declaration signed by all named co-inventors is unavailable because one of said co-inventors cannot be found or reached.

The fee of \$200.00 for the filing of this Petition is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,
JORDAN AND HAMBURG LLP

By C. Bruce Hamburg
C. Bruce Hamburg
Reg. No. 22,389
Attorney for Applicants

Br. and,

By Ricardo Unikel
Ricardo Unikel
Reg. No. 52,309
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

enc: Combined Declaration for Patent Application and Power of Attorney
Declaration of Shin Nomura in Support of Petition Under 37 C.F.R. §
1.47(a) (including Exhibits 1, 2, and 3)

Rec'd PCT/PTO 26 SEP 2005

**COMBINED DECLARATION FOR PATENT APPLICATION AND
POWER OF ATTORNEY**

(Includes Reference to PCT International Applications)

Attorney's Docket Number
F-8417

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CONVERSATION CONTROL SYSTEM AND CONVERSATION CONTROL METHOD

the specification of which (check only one item below):

- ☐ is attached hereto.
- ☐ was filed as United States application
Serial No. _____
and was amended
on _____ (if applicable).
- ☒ was filed as PCT international application
Number PCT/JP2003/004563
on April 10, 2003
and was amended under PCT Article 19
on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or (f), §365(b) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

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| PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119: | | | |
|---|--------------------|----------------|---|
| Country (if PCT indicate "PCT") | Application Number | Date of Filing | Priority Claimed Under 35 USC 119 |
| Japan | 2002-108969 | April 11, 2002 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Japan | 2002-126732 | April 26, 2002 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Japan | 2002-126752 | April 26, 2002 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Japan | 2002-126610 | April 26, 2002 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

| | |
|----------------------|-----------------|
| C. Bruce Hamburg | Reg. No. 22,389 |
| Frank J. Jordan | Reg. No. 20,456 |
| Herbert F. Ruschmann | Reg. No. 35,341 |
| Marvin Turken | Reg. No. 18,330 |
| Alfred D'Andrea | Reg. No. 27,752 |
| Lawrence I. Wechsler | Reg. No. 36,049 |
| Howard R. Jaeger | Reg. No. 31,376 |
| T. David Bomzer | Reg. No. 48,770 |
| Ricardo Unikel | Reg. No. 52,309 |

| | | |
|-------------------------|--|--|
| Send Correspondence To: | Jordan and Hamburg LLP 122 East 42nd Street New York, New York 10168 | Direct Telephone Calls to: C. Bruce Hamburg (212) 986-2340 |
|-------------------------|--|--|

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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| | | |
|--|----------------------|----------------------|
| Full Name of First or sole Inventor | Inventor's Signature | Date |
| Shengyang HUANG | <i>S. Y. Huang</i> | <i>Aug. 30, 2005</i> |
| Residence | Citizenship | |
| c/o P to PA, Inc. Koto-ku, Tokyo, 135-0063, Japan | China | |
| Post Office Address | | |
| c/o P to PA, Inc. 3-1-25, Ariake Koto-ku, Tokyo, 135-0063, Japan | | |

| | | |
|--|-------------------------|----------------------|
| Full Name of Second Inventor | Inventor's Signature | Date |
| Hiroshi KATUKURA | <i>Hiroshi Katukura</i> | <i>Aug. 30, 2005</i> |
| Residence | Citizenship | |
| c/o P to PA, Inc. Koto-ku, Tokyo, 135-0063, Japan | Japan | |
| Post Office Address | | |
| c/o P to PA, Inc. 3-1-25, Ariake Koto-ku, Tokyo, 135-0063, Japan | | |

| | | |
|--|----------------------|---------------------|
| Full Name of Third Inventor | Inventor's Signature | Date |
| Tao WU | <i>Wutao</i> | <i>Aug 30. 2005</i> |
| Residence | Citizenship | |
| c/o P to PA, Inc. Koto-ku, Tokyo, 135-0063, Japan | China | |
| Post Office Address | | |
| c/o P to PA, Inc. 3-1-25, Ariake Koto-ku, Tokyo, 135-0063, Japan | | |

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| | | |
|---|-----------------------------|------|
| Full Name of Fourth Inventor Dong LI | Inventor's Signature | Date |
| Residence c/o P to PA, Inc. Koto-ku, Tokyo, 135-0063, Japan | Citizenship China | |
| Post Office Address c/o P to PA, Inc. 3-1-25, Ariake Koto-ku, Tokyo, 135-0063, Japan | | |

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Docket No. F-8417

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shengyang HUANG, et al.
Serial No. : 10/511,236
For : CONVERSATION CONTROL SYSTEM AND
CONVERSATION CONTROL METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF SHIN NOMURA IN SUPPORT OF PETITION UNDER
37 C.F.R. § 1.47(a)**

Shin Nomura hereby declares as follows:

1. I am an employee of P TO PA, INC., a Japanese company.
2. My job title at P TO PA, INC. is that of Director.
3. Dong Li is a joint inventor of U.S. Patent Application No. 10/511,236 along with Shengyang Huang, Hiroshi Katukura, and Tao Wu.
4. Dong Li is a former employee of P TO PA, INC. and he resigned from the company on January 31, 2003.
5. Dong Li's last known address is as follows:

Daini-Corpo-Onda 205
47, Nishi-Mabashi-Kuramoto-cho,
Matsudo-shi, Chiba-ken, Japan
6. A cover letter with the application documents (including specification, claims, and drawings) and instructions to sign a therewith enclosed declaration for U.S. Patent Application No. 10/511,236 was sent to Dong Li by certified mail on July 8, 2005 to Dong Li's last known address. A copy of said letter, which is

in Japanese, together with an English translation are appended hereto as Exhibit 1. The Registered/Delivery Certified Mail Receipt issued by the Post Office and a translation thereof are appended hereto as Exhibit 2.

7. The Post Office issued a notice that it was unable to deliver the documents to Dong Li at his last known address because Dong Li has moved from his last known address and did not leave a forwarding address. A copy of the returned envelope with the Post Office's notice that the mail was undeliverable because the address to which Mr. Dong Li moved to is unknown is appended hereto as Exhibit 3.
8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: Shin Nomura
Shin Nomura

Date: August 3, 2005

EXHIBIT 1

送 付 書

李 東 様

2005年7月8日(金)

株式会社ピートッピーエー
コーポレートサービス部
野村 慎三
TEL: 03-3570-2563
FAX: 03-3570-2567

外国出願用各サイン書類への署名の件

拝啓 時下ますますご清栄のこととお喜び申し上げます。
さて、下記の件につきましてお取り計らい下さいます様お願い申し上げます。

敬具

記

掲題に関し、李東様ご発明の日本国内特許出願4件(特願2004-219258号、特願2004-219259号、特願2004-219260号、特願2004-228618号)に基づいて、2005年7月中に外国特許出願を行う予定であります。
出願国は米国(US)・欧州(EP)・オーストラリア(AU)・南アフリカ(ZA)の計4カ国となっております。

そこで、海外各国出願用準備書面において、今回同封させて頂きました下記書類に関しましては〇〇様のご署名が必要となります。つきましては、突然のことで誠に恐れ入りますが、2005年7月22日(金)迄に下記同封書類にご署名の上、弊社宛ご返送頂たく宜しくお願い申し上げます。

なお、ご署名が李様のご本意にそぐわない場合には、お手数をお掛けして大変恐縮ですが、同封書類のご返送のみ宜しくお願い申し上げます。ご不明な点等ございましたら、何時でもご連絡下さい。

【同封書類】上記出願に対し、下記1~3のご署名必要書類がございます。

- | | |
|----------------------|--------------------------|
| 1. アメリカ用宣誓書兼委任状・・・1通 | 4. 基礎日本特許出願書類・・・1部(ご参考迄) |
| 2. アメリカ用譲渡証……………1通 | 5. 外国出願用英文明細書・・・1部(ご参考迄) |
| 3. 南アフリカ用譲渡証……………1通 | 6. 返信用封筒……………1部 |

ご署名を頂く個所は計3箇所になりますので、ご確認の程よろしくお願い致します。

以上

P TO PA, INC.
11th Floor, Ariake Frontier Bldg. A
3-1-25, Ariake, Koto-ku, Tokyo 135-0063
TEL: 03-3570-2563
FAX: 03-3570-2567
<http://www.ptopa.com>

INVOICE (TRANSLATION)

Mr. Dong LI

July 8, 2005 (Friday)
P TO PA, INC.
Corporate Service Division
Shin NOMURA (seal)
TEL: 03-3570-2563
FAX: 03-3570-2567

Re: Signature to Each Sign Form for Foreign Applications

Dear Sir:

We are pleased to hear your prosperity more and more.

We beg you will manage the following points all right.

Sincerely yours

REMARKS

With respect to the above-identified matter, we are scheduled to file foreign patent applications on July 2005 on the basis of four Japanese national patent applications (Patent Application Nos. 2004-219258, 2004-219259, 2004-219260 and 2004-228618) made by Mr. Dong LI. The designated countries are total 4 countries of the United States of America (US), Europe (EP), Australia (AU) and South Africa (ZA).

Regarding preparation forms for filing each foreign application, it is required for Mr. OO to write signature on the presently enclosed forms as below. We are sorry to trouble you suddenly, but we would appreciate it if you could put your signature on the enclosed forms and return them to us by July 22 (Friday), 2005.

Should such signature is not in accordance with Mr. LI's wishes, we are sorry to trouble you, but please return the enclosed forms as it is. If you have any question, please feel free to contact us.

[Enclosed Document]

With respect to the above-identified applications, there are the following forms Nos. 1 to 3 to be signed.

1. Declaration and Power of Attorney for US 1 Sheet
2. Assignment for US 1 Sheet
3. Assignment for South Africa 1 Sheet
4. Based Japanese Patent Application Documents 1 Set (for reference)
5. English-language Specification for Foreign Applications 1 Set (for reference)
6. Envelope for Return Mail 1 Set

As there are three portions to be signed, please confirm.

EXHIBIT 2

毎度ありがとうございます

〒135-0063 TEL03-5530-5731
平成17年 7月 8日 13:50

定形外

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1通

¥120

特殊取扱 ￥720

(内訳)

| | |
|------|------|
| 一般書留 | ¥420 |
|------|------|

(損害要償額 100,000円)

配達証明 ¥300

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| 小計 | ¥840 |
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| | |
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| 合計 | ¥840 |
|----|------|

お預り金額 ￥1,000

おつり ￥160

発行No.409

担当者No.03

(差出人の住所氏名)

有明 7075 AL-NI 11F

(料) ϵ^0 - ϵ^1 と ϵ^0 - ϵ^2 -

様

| 受取人の氏名 | 引受番号 | 郵便料 | 申出損害要償額 | 摘 要 |
|--------|---------|------|---------|-----|
| 李 東 様 | 127-45- | | | |
| 様 | 70547-5 | #840 | --- | 00 |
| 様 | | | | |

ご注意

この場合、必ずしも損害賠償の請求をする必要はない。また、その他の場合にも、損害賠償を請求する権利は発生し得る。

度々、商品の破損や欠陥が報告される。これは、原則として5万円を限度とする。

損害賠償：(商品)キヤノン(配達記録)、ソック(速達)、ハイ(配達証明)の
の記号：(商品)キヤノン(配達記録)、ソック(速達)、ハイ(配達証明)
の記号：(商品)キヤノン(配達記録)、ソック(速達)、ハイ(配達証明)

配送状況がわかりません。フリーダイヤル 0120-232886
インターネット <http://www.post.japanpost.jp>

〒114 郵便局

17.07.08*12-18

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(TRANSLATION)

REGISTERED/DELIVERY CERTIFIED MAIL RECEIPT
(for Client)

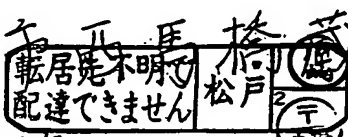
| | | | | |
|---|--------------------|---------|---------------------------------------|---------------------------|
| Sender's Address and Name 11th Floor, Ariake Frontier Bldg. A P TO PA, INC. | | | | |
| Recipient's Name | Receipt No. | Postage | Compensation to Damage | Note |
| Mr. Dong LI | 127-45- 70547-5 | ¥840 | | Delivery Certification |
| | | | | |
| | | | | |
| | | | TFT-Nai Post Office 17.07.08*12-18 | |

EXHIBIT 3



05.07.08

千葉県松戸市元町47



第2コーポラント 205

李東様

配達証明



株式会社 ビートゥピーエー

東京本社 〒135-0063 東京都江東区有明3-1-25 有明フロンティアビルA棟11F Phone:03-3570-2563 FAX:03-3570-2567 URL: <http://www.p2p.co.jp>



(TRANSLATION)

Undeliverable
because the place
to which the addressee
has removed is unknown

MATSUDO

(seal)

(seal)

千葉県松戸市元町47
第2コーポレーション205
転居先不明で
配達できません
松戸市
〒270-0254

李 東 様

Daini-Corpo-Onda 205
47, Nishi-Mabashi-Kuramoto-cho, Matsudo-shi, Chiba-ken
Mr. Dong LI

配達証明



Derivery Certified Mail

P TO PA, INC.
Tokyo Head Office

11th Floor, Ariake Frontier Bldg. A
3-1-25, Ariake, Koto-ku, Tokyo 135-0063

Phone:03-3570-2563
FAX:03-3570-2567

URL:<http://www.ptopa.com>



株式会社 ビートウピーエー

東京本社 〒135-0063 東京都江東区有明3-1-25 有明フロンティアビルA棟11階 Phone:03-3570-2563 FAX:03-3570-2567 URL:<http://www.ptopa.com>

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